

Request for Reconsideration:

Applicants respectfully request that the Examiner reconsider the above-captioned patent application in view of the following remarks.

Remarks:

1. Objections and Rejections.

Claims 1, 2, 4, and 5 stand rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by Patent No. US 6,467,296 B2 to Fujii et al. (“Fujii”). Applicants respectfully disagree.

2. Anticipation Rejections.

Claims 1, 2, 4, and 5 stand rejected as allegedly being anticipated by Fujii. “A claim is anticipated if and only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131. The Office Action alleges that Fujii describes each and every element as set forth in claims 1, 2, 4, and 5. Applicants respectfully disagree.

Applicants’ independent claim 1 recites “the contact surfaces are continuously formed between the engaging portions through the side wall portion.” The Office Action appears to agree that the written description of Fujii does not disclose or suggest this limitation of independent claim 1. Nevertheless, the Office Action asserts that Figure 2 of Fujii clearly shows this limitation, and as such, independent claim 1 is anticipated by Fujii. Applicants respectfully disagree.

“Pictures and drawings may be sufficiently enabling to put the public in the possession of the article pictured.” MPEP 2121.04. “However, the picture must show all of the claimed structural features and how they are put together.” Id. Figure 2 of Fujii depicts a piston 26 which includes a semi-spherical recess 26a in which a semi-spherical shoe 24 is located. See, e.g., Fujii, Column 4, Lines 35-38. In Figure 2, there is a space between a portion of a wall of recess 26a and an end of a swash plate. When piston 26 reciprocates between a top most

position and a bottom most position, a first portion of shoe 24 moves towards the portion of the wall of recess 26a which has the space between it and the end of the swash plate. Similarly, when piston 26 reciprocates between the bottom most position and the top most position, a second portion of shoe 24 moves towards the portion of the wall of recess 26a which has the space between it and the end of the swash plate.

Nevertheless, the Office Action has not shown that when piston 26 reciprocates between the top most position and the bottom most position, and vice versa, each any every portion of recess 26a at some point contacts shoe 24. For example, Applicants respectfully submit that the Office Action has not shown that piston 26 reciprocates far enough towards the top and far enough towards the bottom to allow shoe 24 to move in a path which covers recess 26 in it's entirety.

Moreover, Applicants respectfully submit that Figure 2 of Fujii merely is a cross-sectional diagram of a compressor. As such, Figure 2 of Fujii does not depict in sufficient detail which portions of recess 26a may be contact portions. Therefore, Applicants respectfully request that the Examiner withdraw the anticipation rejection of claim 1.

Claims 2, 4, and 5 depend from independent claim 1. Therefore, Applicants respectfully request that the Examiner also withdraw the anticipation rejection of claims 2, 4, and 5.

Conclusion:

Applicants submit that the above-captioned patent application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution of this application may be furthered by discussing the application, in person or by telephone, with Applicants' representative, we would welcome the opportunity to do so. Applicants are enclosing a check in the amount of \$450.00 covering the requisite large entity fee for a two-month extension of time. Nevertheless, in the event of any variance between the fees determined by Applicants and the fees determined by the U.S. Patent and Trademark Office, please charge or credit any such variance to the undersigned's Deposit Account No. 02-0375.

Respectfully submitted,

BAKER BOTTS L.L.P.

By:

Timothy J. Churna
Registration No. 48,340

Dated: July 27, 2006

Baker Botts L.L.P.
The Warner, Suite 1300
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2400
(202) 639-7700 (telephone)
(202) 639-7890 (facsimile)

JBA/TJC/tt